PART IV.

Section 2-C. 550

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES

NOTIFICATIONS.

(HOME DEPARTMENT)

No. H.B. 9502-15—Mily., dated Bangalore, 27th February 1952-

In exercise of the powers conferred by Section 13 of the Manœuvres, Field Firing and Artillery Practice Act, 1938 (Act V of 1938), His Highness the Maharaja of Mysore is pleased to make the following rules :—

1. These Rules may be called the Mysore Manœuvres, Field Firing and Artillery Practice Rules, 1951. Title.

2. In these Rules, unless there is anything repugnant in the subject or context,— Definitions

(*a*) "the Act" mean the Manœuvres, Field Firing and Artillery Practice Act, 1938 (Central Act V of 1938);

(*b*) 'Revenue Officer' means a Revenue Officer of and above the rank of Amildar, appointed in this behalf by the Deputy Commissioner of the District ;

(*c*) 'Chavadi' includes, in any village in which there is no Chavadi, such place as the Deputy Commissioner may direct to be Chavadi for the purposes of these rules, or if no such direction has been issued by the Deputy Commissioner, such place in the village as is normally used by the Village Officers for the revenue work of the said village;

(*d*) "Danger zone" means any area declared to be a danger zone under sub-section (2) of Section 10 of the Act ;

(*e*) 'Evacuation' means removal from a danger zone of persons and domestic animals ;

(*f*) 'Form' means a form appended to these rules.

Publication of notice under sub-section (2) of Section 2 of the Act.

3. The State Government shall publish notice of its intention to issue a notification under sub-section (1) of Section 2 of the Act, in respect of any area, in Form I in the *Mysore Gazette* as required by sub-section (3) of Section 2 of the Act. The Deputy Commissioner of the District in which such area is situated shall also publish the aforesaid notice in the manner specified below, namely,

(*a*) by publishing it in the area in the principal Kannada Newspapers of the area;

(*b*) by beat of *tom tom* in the village situated within such area and in the vicinity thereof;

(*c*) by affixing copies of the notice in such prominent places like District Office, Sub-Divisional Office, Taluk Office, Police Stations, Chavadis, Village Panchayet Offices, if any, and such other prominent public places as the Deputy Commissioner deems fit;

(*d*) by sending copies of the Notice to the Chairman of the Village Panchayet in the area;

(*e*) by distributing copies of the notice at public Markets, Fairs, etc., if any, held in such area and in the vicinity thereof, during the currency of the notice:

Provided that the fact of the said beat of *tom tom* and affixation shall be verified in writing by the Patel and two other literate, respectable inhabitants of the locality;

(*f*) in such other manner as the Deputy Commissioner of the District may deem necessary.

Publication of Notices required under sub-section (3) of Section 9 of the Act.

4. The notice required by sub-section (3) of Section 9 of the Act, shall, in addition to the publication in the *Mysore Gazette* and other modes provided by sub-section (4) of the said Section, be published in the manner provided in Rule 3. The said notice shall be in Form II.

Duty of Officer in Command of Military Forces.

5. The Officer in Command of Military Forces engaged in the Manœuvres or in Field Firing and Artillery Practice shall intimate in writing to the Revenue Officer at least 72 hours in advance, of the exact time when the operations will commence and also forward along with the intimation a clear plan showing the exact locality which shall be clearly described, where the operations will be carried on. The locality where the operations will be

carried on shall also be indicated on the ground by means of marks such as red flags.

Procedure of Revenue Officer or Officers before the practice.

6. (1) The Revenue Officer shall on receipt of such intimation, immediately inspect the notified area accompanied by the Village Officers and two respectable residents of the locality notified and a person nominated by the Officer Commanding, and prepare a record of the condition of the land and the alterations that are likely to be made in it for the purposes of the operations. The Revenue Officer shall, as far as possible, secure the presence of the owner or occupier of the land and include in the record the gist of the latter's representations, if any.

(2) The Revenue Officer shall ascertain the place, if any, within the notified area of the categories falling under sub-section (2) of Section 3 of the Act and furnish the information in writing to the person nominated by the Officer Commanding.

(3) The Revenue Officer shall ascertain the quantity of water ordinarily required by those entitled to the use of water from sources of supply within the notified area and furnish the information in writing to the person nominated by the Officer Commanding.

(4) The Revenue Officer shall fix his camp at some central place in or near the area and shall with the least practicable delay announce by beat of *tom tom* and by distribution of notice to the residents in the area the provisions of Section 6 of the Act and the place of his camp. He shall also announce that all complaints and claims for compensations shall be presented to him in person or by Agent within 48 hours of such announcement and that any avoidable delay in their presentation shall render them liable for rejection.

Precautions to be taken in the Danger Zone.

7. (1) The Revenue Officer shall cause all thoroughfares, paths, by-ways and other approaches to a notified area to be guarded by sign boards, pickets and any other means he thinks necessary on the day of the field firing or artillery practice.

(2) The Deputy Commissioner of the District shall, on application made to him by the Officer Commanding the Forces engaged in the practice, direct the District Superintendent of Police of the District or any other

officer deputed by him in this behalf to arrange for the evacuation and guarding of the danger zone under the supervision of the Revenue Officer. Notice of such evacuation shall be given at least seven days before the date of evacuation.

(3) The Revenue Officer shall arrange to announce by beat of *tom tom* to the inhabitants of the notified area, the provision of Section 12 of the Act.

(4) The Revenue Officer shall take steps, before any evacuation takes place, for the closing and sealing of houses, temples and other premises, in the presence of the owners thereof, and if the owners are absent from the danger zone, in the presence of the Village Officers and two respectable inhabitants, residing in the danger zone.

(5) The Revenue Officer shall inform the inhabitants of the surrounding areas, at least 48 hours in advance, by beat of *tom tom* and publication of notice in the Chavadi and other prominent places, in each village, of the time of commencement and duration of the operations and warn them (i) not to enter or remain in any camp without due authority; and (ii) not to interfere without due authority with any flag or target or any apparatus used for the purpose of Manœuvres, Field Firing and Artillery Practice.

(6) When any area is declared to be a 'notified area, under sub-section (1) of Section 9, or a danger zone under sub-section (2) of Section 10 of the Act, the Officer Commanding shall cause to be put up at approaches, thoroughfares, paths, by-ways, etc., leading to such area, and on all sides of the danger zone, or notified area as the case may be prominent danger signals and written warnings in English and Kannada, prohibiting the entry into the area during the times when the discharge of lethal missiles is taking place or there is danger to life or health. He shall also post sentries or pickets, as far as possible, when the discharge of lethal missiles is taking place or there is danger to life or health.

(7) On receipt of the Deputy Commissioner's order under sub-section (2) of Section 10 of the Act, the Revenue Officer shall notify in the manner specified in sub-rule (5) that the entry into the danger zone is probibited and that all persons and domestic animals will be removed during the times when the discharge of lethal

missiles is taking place or there is danger to life or health, after payment of compensation in accordance with the provisions of the proviso to Section 11 of the Act.

Procedure of the Revenue Officer after the practice.

8. (1) When on the conclusion of operations, the Officer Commanding has restored the lands as far as practicable to their previous condition, he shall notify the fact to the Revenue Officer, who shall thereupon inspect the land with the Village Officers and the two respectable residents who accompanied him in the first instance under sub-rule (1) of Rule 6 or if their presence cannot be secured due to death, ill-health or any other reason, with two other respectable residents of the locality notified, and record his remarks as to the extent to which each land which has not been restored to its previous condition has suffered damage.

(2) Any person who claims compensation under Section 5 of the Act, shall appear in person or by agent before the Revenue Officer within seven days from the date on which his claim arose and state the nature of the claim, the amount of compensation he demands and his titles thereto. The statement shall be made in or reduced to writing and signed by the claimant or his agent.

(3) The Revenue Officer shall fix a specified day or days of the week commencing from the day next after the operations have concluded and a place for inquiry into the claims and notify them in the manner specified in sub-rule (5) of Rule 7.

(4) On the appointed day or days the Revenue Officer shall enquire into all the claims received in time and determine the amount of compensation to be awarded in each case. The Revenue Officer shall conduct the enquiry expeditiously but may adjourn it as may be necessary.

(5) The Revenue Officer shall, in the presence of the representative nominated for the purpose by the Military Authorities under sub-rule (1) of Rule 11 hear the claimant and the evidence, if any, produced by him on matters relevant to the enquiry and receive any written statement filed by him. The Revenue Officer's enquiry shall be of a summary nature. He need not record the evidence of the claimant or his witnesses.

(6) The Revenue Officer may inspect again the place of damage with the Village Officers and the two respectable residents of the locality mentioned in sub-rule (1) of Rule 8, provided they are not claimants, if he considers such further inspections necessary to enable him to appreciate the evidence adduced before him and to fix the compensation to be awarded, in the presence of the claimant or his agent, and the representative nominated by the Military Authorities under sub-rule (1) of Rule 11 who shall also be present at the time of inspection.

(7) In deciding the amount of compensation to be awarded, the Revenue Officer shall take the assistance of the two respectable residents of the locality who accompanied him in his inspections under sub-rule (1) of Rule 8 and these shall act as assessors. The Revenue Officer shall record and take into consideration the opinions expressed by the assessors on the points at issue in each case but shall not be bound to accept them.

Registry of claims.

9. The Revenue Officer shall enter all the claims in a Register which shall contain the following particulars:—

1. Number and date of the claim.
2. Name of the village.
3. Name of the claimant.
4. Nature of claims, and date on which the claim arose.
5. Compensation claimed with date urged for the claim.
6. Compensation awarded with brief reasons for the decision.
7. Signature of the party in acknowledgement of the communication of the decision.
8. If the party does not accept the award, date of intimation of his notice of intention to appeal.
9. Signature of party in token of receipt of the compensation awarded.
10. Remarks.

The decision shall briefly give a gist of the evidence adduced and the reasons which have weighed with the Revenue Officer. The claimant shall on application, be supplied free of charge a copy of the decision and of any notes of inspection recorded by the Revenue Officer.

10. No legal practitioners shall be allowed to appear before the Revenue Officer; but any claimant may authorise a servant, gumastha, partner, relative or friend to appear and represent his claims. Appearence of legal practitioners prohibited.

11. (1) The Officer Commanding shall nominate a person to be present at the enquiry and shall furnish him with funds to enable the Revenue Officer to pay the claimants on the spot as soon as he passes his awards. Representative of Officer Commanding.

(2) The Revenue Officer shall take into consideration the representations, if any, made by the person so nominated by the Officer Commanding before arriving at his decision on each claim.

12. If a claimant refuses to receive the money awarded or if there are rival claimants to it, the Revenue Officer shall receive it from the person nominated bythe Officer Commanding and place it in the Revenue Deposit in the nearest Treasury. D-poit of compensation.

13. On receipt from the claimant of the notice of intention to appeal, which shall be within 15 days from the communication to him of the decision of the Revenue Officer, the Revenue Officer shall report the fact to the Deputy Commissioner and forward an extract of all the entries in the Register of Claims, referred to in Rule 9, relating to the claim and all other papers, if any, relating to the claim. Notice of appeal.

14. When any such notice of appeal has been given, the Deputy Commissioner of the District, shall constitute a Commission consisting of himself as Chairman, a person nominated by the Officer Commanding the Forces engaged in the Manoeuvres and two persons nominated by the District Board and the Commission shall decide all the appeals of which notice has been given.

15. (1) The Commission shall have its first sitting to hear appeals not later than thirty day's from the communication of the Revenue Officer's decision to the claimant. It shall not be necessary for the Commission so to meet unless it has received from the claimant within three weeks from the date of communication of the Revenue Officer's decision to the claimant, a memorandum Hearing of appeals by the Commission.

stating the grounds of appeal and the relief claimed. The Commission shall be competent to reject summarily any appeal in respect of which a memorandum has not been filed within the said period.

(2) A notice specifying the time and place fixed to hear the appeal shall be given to the appellant at least seven clear days before such sitting. The notice shall be served on the appellant in person or if he cannot be found at the address given by him before the Revenue Officer, it may be served on any adult member of the family residing with him, or failing that, affixed to a prominent part of the building specified in that address.

(3) The Commission may adjourn its sittings if it finds it necessary to do so; but an appeal shall be disposed of as expeditiously as possible.

(4) The Commission shall record its decision in writing and such decisions shall contain details of the claims made and the reasons for the decisions. A copy of the decision shall on application be given to the claimant concerned free of charge.

(5) For the purpose of deciding an appeal, the Commission may depute any two of its members to inspect the place where the alleged damage has occurred and to assess the damage caused. The report of the members so deputed shall be considered by the Commission in deciding the appeal.

Payment of additional compensation awarded by Commission.

16. The Officer Commanding shall place the additional compensation, if any, awarded by the Commission at the disposal of the Deputy Commissioner of the District within seven days of the date on which the appeal is decided.

Procedure for disbursement of additional compensation.

17. The Deputy Commissioner shall place the additional compensation, if any, in Revenue Deposit and arrange for the disbursement of the entire compensation to the appellant as early as possible by the issue of a refund order to the appropriate Treasury in case in which the amount was originally refused by the appellant and deposited by the Revenue Officer.

Procedure for payment of compensation to minors, etc.

18. If the person who is entitled to receive the compensation or any portion thereof :

(*a*) is a minor, or

(*b*) is of unsound mind, or

(*c*) has only limited interest in the land or other property which has suffered damage.

The order of the Deputy Commissioner shall be obtained for the payment.

Assessment of damage and scale of compensation.

19. (1) Damage to person shall be assessed with reference to the age and status of the person injured, nature and duration of the injury caused, his earning capacity, the extent to which his earning capacity has been diminished and the period during which such diminition of his earning capacity is likely to continue and the special circumstances of the injur-d and his dependants that are brought to notice during the enquiry.

(2) Damage to property shall be determined with reference to the prevailing market value of the property, the loss sustained by the removal of any standing crops or trees or buildings or other structures thereon, the loss sustained by the deprivation of the use of the property during the period of the operations, the loss caused by severance of the property in the notified area from the other property of the claimant and the loss caused by injurious affection to other property moveable or immoveable or the earnings of the claimant and such other revelant considerations as may be disclosed during the Revenue Officer's enquiry.

(3) In fixing the compensation in the case of damage to crops on any land, the Revenue Officer shall assess the damage after personal inspection of such land by comparing the estimated out-turn of such land with the estimated out-turn of the neighbouring land which has not been damaged after making due allowance for the difference in soil or irrigation facilities or other factors affecting the out-turn.

(4) Damage for interference with the rights or privileges or both shall be assessed solely with reference to the natural loss sustained by the claimant by such interference.

(5) If the damage to a building is so great that it cannot be repaired, the full cost of such building (as it was at the commencement of the operations) less the cost of the existing materials, if any, together with fifteen per cent of the difference shall be awarded as compensation. If the claimant does not elect to take the materials, they shall be handed over to the Officer Commanding for disposal and the full value of the building paid to the claimant.

(6) If a land is permanently impaired in value, the difference between the original market value and the value in its impaired state *pus* fifteen per cent of such difference shall be paid to the claimant as compensation.

(7) Besides compensation for the damage arising from Manoeuvres or Field Firing or Artillery Practice, expenses reasonably incurred in protecting the person, property, rights and privileges of a claimant during the time of the operations shall also be allowed.

(8) If a person is directed to remove himself and his domestic animals from any danger zone under sub-section (2) of Section 10 of the Act, the expenses of such removal as estimated by the Revenue Officer shall be paid at least 12 hours in advance of the hour before which the evacuation has to be completed.

(9) The minimum amount of compensation payable for the exclusion or removal of a person or domestic animal from any place ordered to be a danger zone under sub-section (2) of Section 10 of the Act, shall be the amount required for the removal to the nearest place of safety and for meeting any extra cost of living or feeding charges or accommodation of the person or animal at current local rates that would have to be incurred during the period for which the exclusion is enforced.

Compensation not payable if damage is due to contravention of rules, etc.

20. No compensation shall be awarded for any damage caused to any person or property by the infringement of the warnings and instructions issued under these Rules.

FORM I—(RULE 3).

NOTICE UNDER SUB-SECTION (2) OF SECTION 2.

Under sub-section (2) of Section 2 of the Manoeuvres, Field Firing and Artillery Practice Act, 1938 (V of 1938), His

Highness the Maharaja of Mysore, hereby give notice of their intention to issue, on or after the expiry of three months from the date of the first publication of this notice in the *Mysore Gazette* a notification under sub-section (1) of the said Section, authorising the execution of military manoeuvres over the area specified in the first column of the schedule hereto annexed during the period specified in the second column thereof.

2. After the notification referred to in paragraph 1 above has been issued, such persons as are included in the military forces engaged in the manoeuvres will be at liberty within the limits and during the periods specified in the notification.—

(*a*) to pass over, or encamp, construct military works of a temporary character, or execute military manoeuvres on, the area specified in the notification; and

(*b*) to supply themselves with water from any source of water in such area:

Provided that the water taken is not in excess of the reasonable requirements of the military forces or does not curtail the supply of ordinarily required by those entitled to the use of such water-supply.

3. The liberties mentioned in the paragraph 2 do not authorise entry on or interference with any well or tank held sacred by any religious community or any place of worship or ground attached thereto except for the legitimate purpose of offering prayers or any place or building reserved or used for the disposal of the dead, or any dwelling house or premises attached thereto or any educational institution, factory, workshop or store or any premises used for the carrying on of any trade, business or manufacture or any garden or pleasure ground, or any ancient monument as defined in the law relating to ancient monuments for the time being in force. The Officer in Command of the Military Forces engaged in the manoeuvres will cause all lands used to be restored, as soon and as far as practicable, to their previous condition.

4. Compensation is payable from the Defence Estimates for any damage to person or property or interference with rights or privileges arising from such manoeuvres including expenses reasonably incurred in protecting person, property, rights and privileges. The Deputy Commissioner of the District will depute one or more Revenue Officers to accompany the forces engaged in the manoeuvres for the purpose of determining the amount of compensation, if any, payable. The Revenue Officer will consider all claims for compensation and determine, on local

investigation and where possible after hearing the claimant, the amount of compensation, if any, to be awarded in each case, and will disburse on the spot to the claimant the compensation so determined as payable. Any claimant who is dissatisfied with a refusal of the Revenue Officer to award him compensation or with the amount of compensation awarded to him by the Revenue Officer may, at any time within fifteen days from the communication to him of the decision of the Revenue Officer, give notice to that officer of his intention to appeal against the decision. Where any such notice has been given, the Deputy Commissioner of the District will constitute a commission consisting of himself as Chairman, a person nominated by the Officer Commanding, the forces engaged in the manoeuvres and two persons nominated by the District Board, and the commission will decide all appeals of which notice has been given. The Commission is competent to exercise its powers notwithstanding the absence of any member of the Commission, and the Chairman of the Commission will have a casting vote in the case of an equal division of opinion. The decision of the Commission will be final and no suit will lie in any Civil Court in respect of any matter decided by the Commission. No fee will be charged in connection with any claim, notice, appeal, application or document filed before the Revenue Officer, Deputy Commissioner or the Commission.

5. If within the area and during the period specified in the notification referred to in paragraph 1, any person wilfully obstructs or interferes with the execution of the manoeuvres, or without due authority enters or remains in any camp or interferes with any flag or mark or any apparatus used for the purpose of manoeuvres he will be punishable with fine which may extend to ten rupees.

SCHEDULE.

Area over which the execution of military manoeuvres is authorised.	Period during which the execution of military manoeuvres is authorised.

FORM II—(Rule 4).

NOTICE UNDER SUB-SECTION (3) OF SECTION 9.

Under sub section (3) of Section 9 of the Manoeuvres, Field Firing and Artillery Practice Act, 1938 (V of 1938), His Highness the Maharaja of Mysore, hereby give notice of their intention to issue, on or after the expiry of two months from the

date of the first publication of this notice in the *Mysore Gazette*, a notification under sub-section (2) of the said section authorising the carrying out of field firing and artillery practice over the whole or part of the area specified in the first column of the schedule hereto annexed during the period specified in the second column thereof.

2. After the notification referred to in paragraph 1 above has been issued, such persons as are included in the forces engaged in field firing or artillery practice will be at liberty, within the area defined in a notification issued under sub-section (1) of Section 9 of the Manoeuvres, Field Firing and Artillery Practice Act, 1938, or any specified part thereof during the period or periods specified in the notification referred to in paragraph 1—

(*a*) to carry out field firing and artillery practice with lethal missiles,

(*b*) to pass over, or encamp, construct military works of a temporary character, or execute military manoeuvres on the area specified, and

(*c*) supply themselves with water from any source of water in such area:

Provided that the water taken is not in excess of the reasonable requirements of the military forces or does not curtail the supply ordinarily required by those entitled to the use of such water-supply. The Officer Commanding the forces engaged in any such practice may, within the notified area or specified part thereof declare any area to be a danger zone and thereupon the Deputy Commissioner will, on application made to him by the Officer Commanding the forces, engaged in the practice, prohibit the entry into and secure the removal from such danger zone, of all persons and domestic animals during the times when the discharge of lethal missiles is taking place or there is danger to life or health.

3. The liberties mentioned in paragraph 2 do not authorise entry on or interference with any well or tank held sacred by any religious community or any place of worship or ground attached thereto except for the legitimate purpose of offering prayers or any place or building reserved or used for the disposal of the dead, or any dwelling house or premises attached thereto or any educational institution, factory, workshop or store or any premises used for the carrying on of any trade, business or manufacture or any ancient monument as defined in law relating to ancient monuments for the time being in force. This, however, does not debar entry into, or interference with any such place if it is situated in an area declared to be a danger zone, to

the extent that may be necessary to ensure the exclusion from it of persons and domestic animals. In the case of a dwelling house occupied by women adequate warning will be given through a local inhabitant and entry will be effected after such warning in the presence of two respectable inhabitants of the locality.

4. Compensation is payable from the Defence Estimates for any damage to person or property or interference with rights or privileges arising from such field firing and artillery practice including expenses reasonably incurred in protecting person, property, rights and privileges. Compensation so payable will include compensation for exclusion or removal from any place declared to be a danger zone of persons or domestic animals, such compensation to be disbursed at not less than the minimum rates prescribed in Rule 19 of the Mysore Manoeuvres, Field Firing and Artillery Practice Rules, 1951, before the exclusion or removal is enforced; and will also include compensation for any loss of employment or deterioration of crops resulting from any such exclusion or removal. The Deputy Commissioner of the district will depute one or more Revenue Officers to accompany the forces engaged in field firing and artillery practice for the purpose of determining the amount of compensation, if any, payable. The Revenue Officer will consider all claims for compensation and determine, on local investigation and where possible after hearing the claimant, the amount of compensation, if any, to be awarded in each case; and will disburse on the spot to the claimant the compensation so determined as payable. Any claimant who is dissatisfied with a refusal of the Revenue Officer to award his compensation or with the amount of compensation awarded to him by the Revenue Officer, may, at any time within fifteen days from the communication to him of the decision of the Revenue Officer give notice to that officer of his intention to appeal against the decision. Where any such notice has been given, the Deputy Commissioner of the District will constitute a commission consisting of himself as Chairman, a person nominated by theOfficer Commanding the Forces engaged in field firing and artillery practice and two persons nominated by the District Board, and the Commission will decide all appeals of which notice has been given. The Commission is competent to exercise its powers notwithstanding the absence of any member of the Commission, and the Chairman of the Commission will have a casting vote in the case of an equal division of opinion. The decision of the Commission will be final and no suit will lie in any Civil Court in respect of any matter decided by the Commission. No fee will be charged in connection with any claim, notice, appeal, application or document filed before the Revenue Officer, Deputy Commissioner or the Commission.

5. If, during any period specified in the notification referred to in paragraph 1, any person within the notified area wilfully obstructs or interferes with the carrying out of field firing or artillery practice, or without due authority enters or remains in any camp or enters or remains in any area declared to be a danger zone at a time when entry thereto is prohibited, or interferes with any flag or mark or target or any apparatus used for the purposes of the practice he will be punishable with fine which may extend to ten rupees.

SCHEDULE.

Area over which the field firing and artillery practice is authorised.	Period during which the field firing and artillery practice is authorised.
(1)	(2)

By Order of His Highness the Maharaja of Mysore,

E. V. GANAPATI IYER,

Chief Secretary to Government.